

The 1980 amendment inserted the reference to mumps in the first sentence of subsection A and added the last paragraph of subsection D.

**Law Review.** For survey of Virginia law on governmental services and social welfare for the year 1978-79, see 66 Va. L. Rev. 301 (1980).

**§ 32.1-47. Exclusion from school of children not immunized.--**Upon the identification of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in a public or private school, the Commissioner shall have the authority to require the exclusion from such school of all children who are not immunized against that disease. (1979, C. 711.)

**§ 32.1-27. Penalties, injunctions, civil penalties and charges for violations.--**

A. Any person willfully violating or refusing, failing or neglecting to comply with any regulation or order of the Board or Commissioner of any provision of this title shall be guilty of a Class 1 misdemeanor unless a different penalty is specified.

B. Any person violating or failing, neglecting, or refusing to obey any lawful regulation or order of the Board or Commissioner or any provision of this title may be compelled in a proceeding instituted in an appropriate court by the Board or Commissioner to obey such regulation, order or provision of this title and to comply therewith by injunction, mandamus, or other appropriate remedy.

C. Without limiting the remedies which may be obtained subsection B, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection B shall be subject, in the discretion of the court, to a civil penalty not to exceed ten thousand dollars for each violation. Each day of violation shall constitute a separate offense. Such civil penalties may, in the discretion of the court constitute a separate offense. Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city or town in which the violation occurred, to be used for the purpose of abating environmental pollution therein in such manner as the court may, by order, direct, except that where the owner in violation is such county, city or town itself, or its agent, the court shall direct such penalty to be paid into the State treasury.

D. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board or Commissioner or any provision of this title, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limit specified in subsection C. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection C. (Code 1953, §§32-6.4, 32-15; 1975, c.564; 1976, c.623; 1979, c.711; 1980, c.378)

**Cross reference.--**As to punishment for Class 1 misdemeanors, see § 18.2-11.

The 1980 amendment added the third sentence of subsection C.